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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,878	03/31/2004	Tadashi Hayashi	00862.018049	4562
5514	7590	09/21/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			OKEZIE, ESTHER O	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/812,878	Applicant(s) HAYASHI, TADASHI	
	Examiner Esther O. Okezie	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4, 6, 8, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 5, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The indicated allowability of claims 3,5,7, and 9 is withdrawn in view of the newly discovered reference(s) to Japanese Patent Applications 2002-307356 and 2002-257511. Rejections based on the newly cited reference(s) follow. The amendment filed on 6/29/06 and the remarks presented therewith have been carefully considered. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Election/Restrictions***

This application contains claims 4,6,8,10, and 11 drawn to an invention nonelected with traverse in Paper No. 20060218. A complete reply to the rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular line 3, states "a contact portion to a manipulation

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target object" which is grammatically incorrect. Lines 9 and 13 state "inflow/outflow of the fluid". It is unclear whether inflow/outflow is meant to describe "inflow and outflow" or "inflow or outflow" of fluid through the opening.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 3,5,15, and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent Application 2002-307356 to Setsuo Nakamura.
2. Re claim 3, Nakamura discloses a manipulator (M) comprising first and second members each having a contact portion for gripping an object, wherein each of the first and second members comprises a plurality of sets (figs 7-9), each comprising a contact portion (absorption pad 3) for manipulating an object (workpiece W); a pressure chamber (compressed air source 20); fluid control means (pneumatic circuit 8) for controlling pressure in said pressure chamber, wherein the object is manipulated by causing said fluid control means to control inflow and outflow of fluid through said opening, and wherein the manipulator is a gripper type manipulator having a plurality of said contact portions at opposite positions and clamping the object by said contact portions, and each of said contact portions has said opening for which the inflow and

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outflow of fluid is controlled by said fluid control means (see paragraphs 36,45,48,67).

The fluid control means (8) controls the attitude of the object by generating a couple of forces by executing at least one ejection and drawing of the fluid to a position shifted from a center of gravity of the object (see figs 1,4,5,6,9, and 16 and paragraphs 36,45,48,67).

3. Claims 3,5,15 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent Application 2002-257511 to Setsuo Nakamura. Nakamura discloses manipulator (1) comprising first and second members (5 and 6) each having a contact portion for gripping an object; a pressure chamber (23); fluid control means (pneumatic circuit 40) for controlling pressure in said pressure chamber, wherein the object is manipulated by causing said fluid control means to control inflow and outflow of fluid through said opening, and wherein the manipulator is a gripper type manipulator having a plurality of said contact portions at opposite positions and clamping the object by said contact portions, and each of said contact portions has said opening for which the inflow and outflow of fluid is controlled by said fluid control means (col. 6, lines 1-14). The fluid control means (23) controls the attitude of the object by generating a couple of forces by executing at least one ejection and drawing of the fluid to a position shifted from a center of gravity of the object (see fig. 1).

***Allowable Subject Matter***

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Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

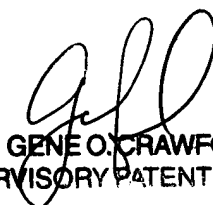
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOO 9/16/06

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER